

# EXHIBIT “B”



**Service of Process  
Transmittal**

03/03/2021

CT Log Number 539146037

**TO:** Mark Goldzweig  
Kia Motors America, Inc.  
111 Peters Canyon Rd  
Irvine, CA 92606-1790

**RE: Process Served in New Jersey**

**FOR:** KIA MOTORS AMERICA, INC. (Domestic State: CA)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** CHARLES J. LYLES, etc., Pltf. vs. KIA MOTORS CORPORATION, et al., Dfts. // To: KIA MOTORS AMERICA, INC.

**DOCUMENT(S) SERVED:** Summons, Amended Complaint, Attachments

**COURT/AGENCY:** Atlantic County Superior Court - Law Division, NJ  
Case # ATLL00063121

**NATURE OF ACTION:** Product Liability Litigation - Lemon Law - Product Name:2015 Kia Soul  
VIN:KNDJN2A22F7194516

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, West Trenton, NJ

**DATE AND HOUR OF SERVICE:** By Process Server on 03/03/2021 at 13:38

**JURISDICTION SERVED :** New Jersey

**APPEARANCE OR ANSWER DUE:** Within 35 days from the date you receive this Summons, not counting the date you receive it

**ATTORNEY(S) / SENDER(S):** Andrew J. D'Arcy  
D'ARCY JOHNSON DAY, P.C.  
3120 Fire Road, Suite 100  
Egg Harbor Township, NJ 08234  
609-641-6200

**ACTION ITEMS:** CT has retained the current log, Retain Date: 03/04/2021, Expected Purge Date: 03/09/2021

Image SOP

Email Notification, Mark Goldzweig Mgoldzweig@kiausa.com

Email Notification, Debbie Avalos davalos@kiausa.com

Email Notification, Wendy Seeley wseeley@kiausa.com

Email Notification, John Woo jkwoo@kiausa.com

Email Notification, Marisa Sanchez msanchez@kiausa.com

Email Notification, Elizabeth Lee elizabethlee@kiausa.com



**Service of Process  
Transmittal**

03/03/2021

CT Log Number 539146037

**TO:** Mark Goldzweig  
Kia Motors America, Inc.  
111 Peters Canyon Rd  
Irvine, CA 92606-1790

**RE: Process Served in New Jersey**

**FOR:** KIA MOTORS AMERICA, INC. (Domestic State: CA)

**REGISTERED AGENT ADDRESS:**

C T Corporation System  
820 Bear Tavern Road  
West Trenton, NJ 08628  
866-331-2303  
CentralTeam1@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

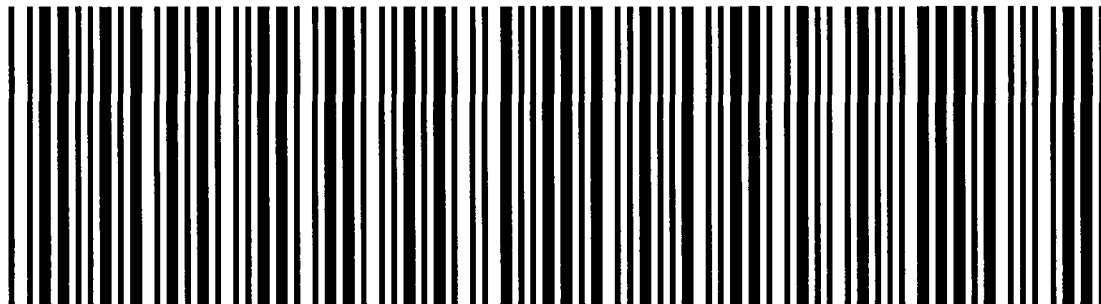


## PROCESS SERVER DELIVERY DETAILS

**Date:** Wed, Mar 3, 2021

**Server Name:** Drop Service

Entity Served	KIA MOTORS AMERICA, INC.
Agent Name	
Case Number	ATLL00063121
Jurisdiction	NJ



**D'ARCY JOHNSON DAY, P.C.**

Patrick T. D'Arcy, Esq. (036251988)  
Andrew J. D'Arcy, Esq. (044811996)  
Donald Grasso, Esq. (277791972)  
3120 Fire Road, Suite 100  
Egg Harbor Township, New Jersey 08234  
(609) 641-6200

*Attorneys for Plaintiff*

CHARLES J. LYLES, General  
Administrator and Administrator ad  
Prosequendum of the Estate of ALISHA  
RENEE WILLIAMS and General  
Administrator and Administrator ad  
Prosequendum of the Estate of AMARI  
KOMAN CHARLES,

Plaintiff,

vs.

KIA MOTORS CORPORATION, KIA  
MOTORS AMERICA, INC., MILENIUM,  
INC. d/b/a SPORT HYUNDAI, and  
JOHN DOES 1 - 100,

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIV.: ATLANTIC COUNTY

Docket No.: ATL-L-000631-21

**Civil Action**

**SUMMONS**

**The State of New Jersey, to the above named Defendant(s):**

**KIA MOTORS AMERICA, INC.**

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The Complaint attached to this Summons states the basis for this lawsuit. If you dispute this Complaint, your or your attorney must file a written Answer or Motion and Proof of Service with the Deputy Clerk of the Superior Court in the county listed above within 35 days from the date you receive this Summons, not counting the date you receive it. (The address of each deputy clerk of the Superior Court is provided.) If the Complaint is one in foreclosure, then you must file your written Answer or Motion and Proof of Service with the Clerk of the Superior Court, Hughes Justice Complex, CN 971, Trenton, New Jersey 08625. An \$105.00 filing fee payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the Deputy Clerk of the Superior Court) must accompany your Answer or Motion when it is filed. You must also send a copy of your Answer or Motion to the plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written Answer or Motion (with fee and completed Case Information Statement) if you want the Court to hear your defense.

If you do not file and serve a written Answer or Motion within 35 days the Court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services Office in the County where you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

Date: March 1, 2021

Edward P. McGettigan

Edward P. McGettigan, Clerk

Name of defendant to be served: **KIA MOTORS AMERICA, INC.**

Address for service: c/o registered agent  
CT Corporation System  
820 Bear Tavern Rd.  
West Trenton NJ 08628

**ATLANTIC COUNTY**  
Deputy Clerk of the Superior Court  
Civil Division, Direct Filing  
1201 Bacharach Blvd., 1<sup>st</sup> Floor  
Atlantic City, NJ 08401  
LAWYER REFERRAL  
(609) 345-3444  
LEGAL SERVICES  
(609) 348-4200

**CAPE MAY COUNTY**  
Deputy Clerk of the Superior Court  
Central Processing Office  
9 N. Main Street  
Box DN-209  
Cape May Court House, NJ 08210  
LAWYER REFERRAL  
(609) 463-0313  
LEGAL SERVICES  
(609) 465-3001

**HUDSON COUNTY :**  
Deputy Clerk of the Superior Court  
Superior Court, Civil Records Dept.  
Brennan Court House - 1<sup>st</sup> Floor  
583 Newark Ave.  
Jersey City, NJ 07306  
LAWYER REFERRAL  
(201) 798-2727  
LEGAL SERVICES  
(201) 792-6363

**MONMOUTH COUNTY**  
Deputy Clerk of the Superior Court  
71 Monument Park  
P.O. Box 1262  
Court House, East Wing  
Freehold, NJ 07728-1262  
LAWYER REFERRAL  
(908) 431-5544  
LEGAL SERVICES  
(908) 866-0020

**SALEM COUNTY**  
Deputy Clerk of the Superior Court  
92 Market St., P.O. Box 18  
Salem, NJ 08079  
LAWYER REFERRAL  
(609) 678-8363

**BERGEN COUNTY**  
Deputy Clerk of the Superior Court  
Case Processing Section  
Room 119  
Justice Center, 10 Main St.  
Hackensack, NJ 07601-0769  
LAWYER REFERRAL  
(201) 488-0044  
LEGAL SERVICES  
(201) 487-2166

**CUMBERLAND COUNTY**  
Deputy Clerk of the Superior Court  
Civil Case Management Office  
Broad & Fayette Sts., P.O. Box 615  
Bridgeton, NJ 08302  
LAWYER REFERRAL  
(609) 692-6207  
LEGAL SERVICES  
(609) 451-0003

**HUNTERDON COUNTY**  
Deputy Clerk of the Superior Court  
Civil Division  
65 Park Avenue  
Flemington, NJ 08862  
LAWYER REFERRAL  
(908) 735-2611  
LEGAL SERVICES  
(908) 782-7979

**MORRIS COUNTY**  
Deputy Clerk of the Superior Court  
Civil Division  
30 Schuyler Pl., P.O. Box 910  
Morristown, NJ 07960-0910  
LAWYER REFERRAL  
(201) 267-5882  
LEGAL SERVICES  
(201) 285-6911

**SOMERSET COUNTY**  
Deputy Clerk of the Superior Court  
Civil Division Office  
New Court House, 3<sup>rd</sup> Fl.  
P.O. Box 3000  
Somerville, NJ 08876

**BURLINGTON COUNTY**  
Deputy Clerk of the Superior Court  
Central Processing Office  
Attn: Judicial Intake  
First Fl., Courts Facility  
49 Rancocas Rd.  
Mt. Holly, NJ 08060  
LAWYER REFERRAL  
(609) 261-4862  
LEGAL SERVICES  
(609) 261-1088

**ESSEX COUNTY**  
Deputy Clerk of the Superior Court  
237 Hall of Records  
465 Martin Luther King, Jr. Blvd.  
Newark, NJ 07102  
LAWYER REFERRAL  
(201) 622-6207  
LEGAL SERVICES  
(201) 624-4500

**MERCER COUNTY :**  
Deputy Clerk of the Superior Court  
Local Filing Office, Courthouse  
175 S. Broad Street, P.O. Box 8068  
Trenton, NJ 08650  
LAWYER REFERRAL  
(609) 585-6200  
LEGAL SERVICES  
(609) 695-6249

**OCEAN COUNTY:**  
Deputy Clerk of the Superior Court  
Court House, Room 119  
118 Washington Street  
Toms River, NJ 08754  
LAWYER REFERRAL  
(908) 240-3666  
LEGAL SERVICES  
(908) 341-2727

**SUSSEX COUNTY:**  
Deputy Clerk of the Superior Court  
Sussex County Judicial Center  
43-47 High Street  
Newton, NJ 07860  
LAWYER REFERRAL

**CAMDEN COUNTY**  
Deputy Clerk of the Superior Court  
Civil Processing Office  
1<sup>st</sup> Fl., Hall of Records  
101 S. Fifth St.  
Camden, NJ 08103  
LAWYER REFERRAL  
(609) 964-4520  
LEGAL SERVICES  
(609) 964-2010

**GLOUCESTER COUNTY**  
Deputy Clerk of the Superior Court  
Civil Case Management Office  
Attn: Intake  
First Fl., Court House  
1 North Broad Street., P.O. Box 12  
Woodbury, NJ 08096  
LAWYER REFERRAL  
(609) 848-4589  
LEGAL SERVICES  
(609) 848-5360

**MIDDLESEX COUNTY:**  
Deputy Clerk of the Superior Court  
Administration Building  
Third Floor  
1 Kennedy Sq., P.O. Box 2633  
New Brunswick, NJ 08903-2633  
LAWYER REFERRAL  
(908) 828-0053  
LEGAL SERVICES  
(908) 249-7600

**PASSAIC COUNTY**  
Deputy Clerk of the Superior Court  
Civil Division  
Court House  
77 Hamilton St.  
Paterson, NJ 07505  
LAWYER REFERRAL  
(201) 278-9223  
LEGAL SERVICES  
(201) 345-7171

**UNION COUNTY:**  
Deputy Clerk of the Superior Court  
1<sup>st</sup> Fl., Court House  
2 Broad Street  
Elizabeth, NJ 07207-6073  
LAWYER REFERRAL

LEGAL SERVICES  
(609) 451-0003

LAWYER REFERRAL  
(908) 685-2323  
LEGAL SERVICES  
(908) 231-0840

(201) 267-5882  
LEGAL SERVICES  
(201) 383-7400

(908) 353-4715  
LEGAL SERVICES  
(908) 354-4340

WARREN COUNTY  
Deputy Clerk of the Superior Court  
Civil Division Office  
Court House  
413 Second Street  
Belvidere, NJ 07823-1500  
LAWYER REFERRAL  
(201) 267-5882  
LEGAL SERVICES  
(908) 475-2010



**D'ARCY JOHNSON DAY, P.C.**

Patrick T. D'Arcy, Esq. (036251988)  
Andrew J. D'Arcy, Esq. (044811996)  
Donald Grasso, Esq. (277791972)  
3120 Fire Road, Suite 100  
Egg Harbor Township, New Jersey 08234  
(609) 641-6200

*Attorneys for Plaintiff*

---

CHARLES J. LYLES, General  
Administrator and Administrator ad  
Prosequendum of the Estate of ALISHA  
RENEE WILLIAMS and General  
Administrator and Administrator ad  
Prosequendum of the Estate of AMARI  
KOMAN CHARLES,

Plaintiff,

vs.

KIA MOTORS CORPORATION, KIA  
MOTORS AMERICA, INC., MILENIUM,  
INC. d/b/a SPORT HYUNDAI, and  
JOHN DOES 1 – 100,

Defendants.

---

SUPERIOR COURT OF NEW JERSEY  
LAW DIV.: ATLANTIC COUNTY

Docket No.: ATL-L-000631-21

**Civil Action**

**AMENDED COMPLAINT &  
JURY DEMAND**

Plaintiff, Charles J. Lyles, General Administrator and Administrator ad Prosequendum of the Estate of Alisha Renee Williams and General Administrator and Administrator ad Prosequendum of the Estate of Amari Koman Charles, through his counsel, D'Arcy Johnson Day, P.C., alleges the following for his Amended Complaint.

**NATURE OF THIS ACTION**

1. On February 26, 2019, Alisha Renee Williams, age 31, and her ten-month old son, Amari Koman Charles, were driving on County Road 575 in Atlantic County when their car, a 2015 Kia Soul, collided with another vehicle. The mother and her infant survived the crash, but they perished tragically on the scene when the Kia caught

fire after the collision. The Kia was fatally defective in that it failed to prevent the post-collision fire that took the life of Alisha and Amari.

2. Plaintiff, Charles J. Lyles, brings this action as the legal representative of the estates of his deceased daughter and grandson, Alisha and Amari. This action seeks to recover damages under the New Jersey Product Liability Act ("NJPLA") for the tragic and avoidable deaths of Alisha and Amari. The Defendants responsible for this tragedy include the South Korean Kia automobile company and its United States subsidiary, as well as the local car dealership who sold the defective Kia to Alisha. Additional parties responsible for the design, manufacture, assembly, distribution, sale, and/or service of the defective Kia may be named as defendants as their identity becomes known to Plaintiff.

**PARTIES AND BACKGROUND FACTS**  
**APPLICABLE TO ALL CLAIMS**

3. Defendant Kia Motors Corporation ("KMC") is a foreign corporation existing under the laws of the Republic of Korea with its principal place of business in Seoul, South Korea. On information and belief, KMC maintains places of business in the United States, including at 111 Peters Canyon Road, Irvine, California 92606. KMC was registered to do business in New Jersey with a registered agent and a registered office of record in Fort Lee, New Jersey, which registration appears to have been revoked for failure to pay annual reports on July 16, 1997. KMC is in the business of automobile designing, testing, assembling, manufacturing, marketing, distribution, sales, leasing, and/or servicing.<sup>1</sup>

---

<sup>1</sup> Unless otherwise stated, allegations herein are made regarding all times relevant to this action and believed to be true at all times relevant to this action.

4. KMC designs, manufactures, tests, and assembles Kia motor vehicles and their component parts.

5. KMC exports Kia motor vehicles to the United States.

6. Defendant Kia Motors America, Inc. ("KMA") is a California corporation with its principal place of business at 111 Peters Canyon Road, Irvine, California 92606. KMA is in the business of automobile designing, testing, assembling, manufacturing, marketing, distribution, sales, leasing, and/or servicing.

7. KMA is registered to do business in New Jersey with a registered agent and registered office in West Trenton, New Jersey.

8. KMA designs, manufactures, tests, and assembles Kia motor vehicles and their component parts.

9. KMA imports Kia motor vehicles to the United States.

10. KMA markets and distributes Kia motor vehicles for sale throughout the United States.

11. KMA is a wholly-owned subsidiary of KMC.

12. KMC and KMA shall be referred to together as the "Kia Defendants," and their conduct, acts, and omissions alleged herein shall refer to conducts, acts, and omissions on their own behalf and/or through their representatives, employees, agents, wholesalers, distributors, sellers, franchisees, and/or licensees.

13. The Kia Defendants have transacted business in New Jersey and/or have engaged in conduct impacting New Jersey.

14. The Kia Defendants have engaged in trade or commerce in New Jersey, including automobile manufacturing, assembly, advertising, promotion, service, leasing, distribution, inspection, testing, and/or sales. The Kia Defendants have manufactured,

assembled, advertised, promoted, serviced, leased, distributed, inspected, tested, and/or sold millions of passenger motor vehicles and motor vehicle component parts in New Jersey, including the 2015 Kia Soul that is at issue in this action.

15. The Kia Defendants have purposefully and intentionally availed themselves of the New Jersey markets and placed their products, including the product at issue in this case, into the stream of commerce in New Jersey.

16. Defendant Milenium, Inc. d/b/a Sport Hyundai ("Milenium") is a New Jersey corporation with its principal place of business at 6831 Black Horse Pike, Egg Harbor Township, New Jersey 08234, where it owns and operates a car dealership known as Sport Hyundai.

17. Milenium's website for Sport Hyundai states:

**Used Cars, Trucks, and SUVs for Sale at Sport Hyundai**

As a leading Hyundai dealer near Pleasantville, Sport Hyundai also has a wide variety of pre-owned cars, trucks, and SUVs for you to choose from. **Each of our used vehicles has undergone a rigorous inspection to ensure the highest quality used cars, trucks, and SUVs in New Jersey.** Stop by Sport Hyundai or search our online inventory to find the used car, truck, or SUV that is right for you. We have used cars, trucks, and SUVs for every need and budget, along with expert staff who will work to get you in the vehicle you want for an affordable price.<sup>2</sup>

18. Milenium is regularly engaged in the activity of purchasing and selling used cars, including cars manufactured by the Kia Defendants.

19. Milenium is a dealer of used cars, not an occasional seller of used cars.

---

<sup>2</sup> <https://www.sporthyundai.net> (emphasis added) (last visited February 24, 2021).

20. Milenium is in the business of selling, leasing, and servicing new and used cars, including used automobiles manufactured by the Kia Defendants.

21. Milenium services, inspects, and repairs used automobiles manufactured by the Kia Defendants and sells parts for automobiles manufactured by the Kia Defendants.

22. In 2018, Alisha Renee Williams ("Alisha") purchased a 2015 Kia Soul (Vin# KNDJN2A22F7194516) from Milenium at its Sports Hyundai location in Egg Harbor Township, New Jersey (the "Vehicle"). "Vehicle" includes the component parts and accessories comprising the motor vehicle, including its engine and fuel supply system.

23. The Vehicle was designed, manufactured, assembled, distributed, inspected, sold, and/or serviced by Defendants.

24. On February 26, 2019, Alisha and her ten-month old son, Amari Koman Charles ("Amari"), were both killed when the Vehicle burst into flames after colliding with another car on County Road 575 (English Creek Avenue) in Egg Harbor Township, New Jersey (the "Incident").

25. At the time of the Incident, Alisha was driving the Vehicle and Amari was the only passenger in the Vehicle.

26. The impact from the collision of the Vehicle with the other car during the Incident did not kill Alisha and Amari.

27. Alisha and Amari were killed by a fire in the Vehicle that ignited and was fueled by the Vehicle's various defects after the collision.

28. The Vehicle was not designed to prevent the post-collision fire that killed Alisha and Amari.

29. The Vehicle's defects that resulted in the death of Alisha and Amari were foreseeable.

30. The Defendants knew or should have known about the Vehicle's defects that resulted in the death of Alisha and Amari on or before the date Alisha purchased the Vehicle from Milenium.

31. Alisha's father and Amari's grandfather, Charles J. Lyles, is the Plaintiff in this action as the General Administrator and the Administrator ad Prosequendum of the Estates of Alisha and Amari.

32. The injuries and deaths of Alisha and Amari as well as all damages sought by Plaintiff were caused by the actionable conduct and omissions of the Defendants.

33. Defendants acted with actual malice and/or with wanton and willful disregard of the rights of others, including Alisha and Amari, by designing, manufacturing, distributing, servicing, testing, inspecting, selling, and/or re-selling a fatally defective motor vehicle.

**COUNT ONE**  
**(Against the Kia Defendants – NJPLA Strict Liability)**

34. Plaintiff repeats, re-alleges, and incorporates the foregoing paragraphs.

35. The Vehicle was designed in a defective manner by the Kia Defendants.

36. There was a reasonable alternative design that was available, feasible, and safe.

37. The risks of the Vehicle's defective design outweighed the benefits to the consumer.

38. The Vehicle suffered from a manufacturing defect, which was a deviation from the design specifications, formulae, or performance standards of the manufacturer

or from otherwise identical units manufactured to the same manufacturing specifications or formulae.

39. The Kia Defendants had a duty to provide adequate warnings about the dangers of the Vehicle but breached that duty by failing to provide such warnings to foreseeable users and/or consumers.

40. The Kia Defendants failed to provide any warning to consumers, including Alisha and Amari, that the Vehicle was subject to post-collision fires, even though the Kia Defendants knew or should have known of those defects.

41. The Vehicle was not reasonably fit, suitable, or safe for its intended purpose.

42. The Vehicle was defective when it left the Kia Defendants' control.

43. Prior to the Incident, the Kia Defendants sold, exported, imported, distributed, leased, serviced, and/or inspected the Vehicle.

44. The Vehicle's defects caused injuries and death of Alisha and Amari, who were reasonably foreseeable or intended users of the Vehicle.

45. The Vehicle's defects were unknown to Alisha and Amari.

46. The Kia Defendants are strictly liable to Plaintiff for the damages alleged herein.

**WHEREFORE**, Plaintiff demands judgment against the Kia Defendants jointly, severally and/or in the alternative, for such damages as may be permitted pursuant to the laws of the State of New Jersey, including punitive damages, together with interest thereon, costs of suit, attorney's fees, and such other relief as this Court shall deem equitable and just.

**COUNT TWO**  
**(Against Milenium – NJPLA Strict Liability)**

47. Plaintiff repeats, re-alleges, and incorporates the foregoing paragraphs.
48. Prior to the Incident, Milenium inspected, serviced, leased and/or sold the Vehicle.
49. Milenium regularly purchases and sells motor vehicles, including Kia motor vehicles, to/from consumers after inspecting and servicing those vehicles.
50. Milenium sold the Vehicle to Alisha.
51. Milenium knew or should have known that the Vehicle was defective.
52. Milenium had a duty to warn Alisha that the Vehicle was defective.
53. Milenium did not warn Alisha that the Vehicle was defective.
54. The Vehicle was not reasonably fit, suitable, or safe for its intended purpose when Milenium sold it to Alisha.
55. The Vehicle was defective when it left Milenium's control.
56. The Vehicle's defects caused injuries and death of Alisha and Amari, who were reasonably foreseeable or intended users of the Vehicle.
57. The Vehicle's defects were unknown to Alisha and Amari.
58. Milenium is strictly liable to Plaintiff for the damages alleged herein.

**WHEREFORE**, Plaintiff demands judgment against Milenium jointly, severally and/or in the alternative, for such damages as may be permitted pursuant to the laws of the State of New Jersey, including punitive damages, together with interest thereon, costs of suit, attorney's fees, and such other relief as this Court shall deem equitable and just.



**COUNT THREE**  
**(Against All Defendant - Negligence)**

59. Plaintiff repeats, re-alleges, and incorporates the foregoing paragraphs.

60. Defendants owed Plaintiff a duty to exercise reasonable care in the design, testing, manufacture, assembly, sale, inspection, distribution, and servicing of the Vehicle, including a duty to assure that the Vehicle would not cause injuries and death.

61. Defendants knew or should have known that the Vehicle was defective, and that the Vehicle had a propensity for post-collision fires and to cause injuries and death.

62. Defendants failed to warn the public, including Alisha, that the Vehicle had a propensity for post-collision fires and to cause injuries and death.

63. Defendants breached their duty of care to Plaintiff.

64. Defendants' negligent acts and omissions were the direct and proximate cause of Plaintiff's damages.

**WHEREFORE**, Plaintiff demands judgment against Defendants jointly, severally and/or in the alternative, for such damages as may be permitted pursuant to the laws of the State of New Jersey, including punitive damages, together with interest thereon, costs of suit, attorney's fees, and such other relief as this Court shall deem equitable and just.

**COUNT FOUR**  
**(Wrongful Death)**

65. Plaintiff repeats, re-alleges, and incorporates the foregoing paragraphs.

66. This action is instituted and maintained through Plaintiff as the General Administrator and the Administrator ad Prosequendum of the Estates of Alisha and Amari pursuant to the New Jersey Wrongful Death Act.

67. This action is instituted and maintained for the benefit of the Estates of Alisha and Amari pursuant to the provisions of the New Jersey Wrongful Death Act under the theories of liability alleged herein for such damages and pecuniary loss that the next of kin of the Estates have sustained as a consequence of the deaths Alisha and Amari.

68. This action is commenced within two years of the deaths of Alisha and Amari.

69. As a result of the deaths of Alisha and Amari, Plaintiff suffered and will continue to suffer in the future much harm, loss, injury, and damage.

**WHEREFORE**, Plaintiff demands judgment against Defendants jointly, severally and/or in the alternative, for such damages as may be permitted pursuant to the laws of the State of New Jersey, including punitive damages, together with interest thereon, costs of suit, attorney's fees, and such other relief as this Court shall deem equitable and just.

**COUNT FIVE**  
**(Survivorship)**

70. Plaintiff repeats, re-alleges, and incorporates the foregoing paragraphs.

71. This action is instituted and maintained through the General Administrator and the Administrator ad Prosequendum for the Estates of Alisha and Amari, pursuant to the New Jersey Survival Act.

72. Plaintiff seeks those benefits to which the Estate are entitled pursuant to the New Jersey Survival Act under the theories of liability alleged herein for such damages as Enrique, Alisha and Amari would have been entitled to recover from Defendants had they not perished.

73. This action is commenced within two years of the aforementioned deaths.

**WHEREFORE**, Plaintiffs demand judgment against Defendants jointly, severally and/or in the alternative, for such damages as may be permitted pursuant to the laws of the State of New Jersey, including punitive damages, together with interest thereon, costs of suit, attorney's fees, and such other relief as this Court shall deem equitable and just.

**COUNT SIX**  
**(Fictitious Party)**

74. Plaintiff repeats, re-alleges, and incorporates the foregoing paragraphs.

75. Plaintiff alleges that an insufficient amount of time has passed within which to determine the identity of any other individuals or business entities who may be responsible for the causation of the injuries and/or death suffered by Alisha and Amari and damages sought in this action by Plaintiff. For the purposes of the Amended Complaint, said individuals and/or business entities have been nominated as John Does 1-100 ("Fictitious Defendants").

76. Fictitious Defendants are presently unidentified parties that participated in the design, assembly, inspection, manufacture, testing, sale, re-sale, lease, distribution, market, repair, and/or service the Vehicle.

77. Fictitious Defendants are liable to Plaintiff by reason of the improper and defective design, manufacture, and lack of adequate warning, and by reason of the sale of Vehicle to Alisha.

78. Plaintiff has sustained damages as a direct and proximate result of the conduct and omissions of the Fictitious Defendants.

79. Plaintiff reserves the right to amend the pleadings to add additional defendants when and if the identity of the Fictitious Defendants becomes known.

**WHEREFORE**, Plaintiff demands judgment against Fictitious Defendants, jointly, severally and/or in the alternative, for such damages as may be permitted pursuant to the laws of the State of New Jersey, including punitive damages, together with interest thereon, costs of suit, attorney's fees, and such other relief as this Court shall deem equitable and just.

**JURY DEMAND**

Plaintiff hereby demands trial by jury on all issues so triable.

**DESIGNATION OF TRIAL COUNSEL**

Andrew J. D'Arcy, Esq. is hereby designated as trial counsel for Plaintiff.

**D'ARCY JOHNSON DAY**  
*Attorneys for Plaintiff*

Dated: February 26, 2021

By: /s/Andrew J. D'Arcy  
Andrew J. D'Arcy

**DEMAND FOR DISCOVERY OF INSURANCE COVERAGE**

Pursuant to Rule 4:10-2(b), demand is made that Defendants disclose to Plaintiff's attorney whether or not there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or indemnify or reimburse for payments made to satisfy the judgment and provide Plaintiff's attorney with true copies of those insurance agreements or policies, including, but not limited to, any and all declaration sheets. This demand shall include and cover not only primary coverage, but also any and all excess, catastrophe and umbrella policies.

**D'ARCY JOHNSON DAY**  
*Attorneys for Plaintiff*

Dated: February 26, 2021

By: /s/Andrew J. D'Arcy  
Andrew J. D'Arcy

**CERTIFICATION PURSUANT TO RULE 4:5-1**

On information and belief, the matter in controversy is not the subject of any other action pending in any court, is not the subject of pending arbitration proceeding, and is not the subject of any other contemplated action or arbitration proceeding. I certify that the foregoing statements are true, and that if the statements are willingly false, then I may be subject to punishment.

Dated: February 26, 2021

/s/ Andrew J. D'Arcy  
Andrew J. D'Arcy